

Wetlands Bureau Decision Report

Decisions Taken
11/10/2008 to 11/16/2008

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 30 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Lawrence E. Morse, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

2006-00082 MEREDITH, TOWN OF
MEREDITH Unnamed Wetland

Requested Action:

Amend permit to add an additional catch basin that was not picked up in the original survey that discharges into the impacted wetland currently and extend the discharge point closer to the prime wetland line.

APPROVE AMENDMENT:

Fill 9887 square feet of isolated wetland adjacent to Hawkins Brook prime wetland and construct a boardwalk within the prime wetland buffer to connect the existing community center to the existing ball fields.

With Conditions:

1. All work shall be in accordance with plans by McFarland Johnson Inc., dated December 12, 2005, and revised through July 28, 2008, as received by the Department on September 9, 2008.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. Any future work that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. Work shall be conducted during low water conditions.
5. The 100 foot buffer around the designated prime wetlands shall be left in its natural state unless specifically permitted as part of this project.
6. Erosion controls shall be properly installed and maintained and the construction sequence shall be performed in accordance with the approved plans. It is the responsibility of the permittee to ensure that the erosion controls are adequate for the site.
7. There shall be no dredging, removal, or disturbance of any existing vegetative undergrowth within the 100 foot prime wetland buffer unless specifically permitted. The placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
8. Any additional human activities within the 100 foot Prime Wetland Buffer without a wetlands permit may be considered in violation of RSA 482-A and may be subject to enforcement action by the Department of Environmental Services, including, but not limited to, the issuance of fines, administrative orders, or referral to the Department of Justice for the imposition of appropriate penalties.
9. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
10. The applicant shall maintain a 30 foot buffer between the catch basin and the turf area free of any turf management products.
11. The applicant shall utilize low phosphorus and slow release nitrogen fertilizer in its turf management program.
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
14. A land resource professional may inspect the project to insure compliance with approved plans and permit conditions prior to completion of the project. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

The Department reaffirms findings 1-13 of the original approval:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(f), projects located in or adjacent to designated prime wetlands under RSA 482-A:15.
2. The proposal will connect the existing community center with the existing athletic complex, and provide on site parking, and treatment for the existing parking area.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
4. The applicant has provided evidence which demonstrates that his/her project, as approved and conditioned, is the alternative with the least adverse impact to

areas and environments under the department's jurisdiction per Env-Wt 302.03.

5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
6. The detailed engineering plans accurately locate the boundary of the wetlands and prime wetlands.
7. The erosion controls, water velocity controls, grass treatment swales, stabilization methods, culvert sizing and invert elevations will protect the ability of the wetlands to retain floodwaters and silt.
8. The project as approved and constructed in adherence to the provided construction sequence, erosion controls, water treatment system and maintenance program offsets impact from any increased runoff created by the development.
9. The wetland within the parking area is very low quality and currently is teeming with invasive species and currently has untreated stormwater running to it.
10. Based on the inspection conducted on March 21, 2006 by Jocelyn S. Degler, the project involves minor environmental impacts.
11. The project is for the Town of Meredith and will provide a general benefit for the general public at large.
12. The Meredith Conservation Commission has no concerns with the proposed project.
13. Based on the findings above, there is clear and convincing evidence this proposal will have no significant loss of values to the prime wetlands as set forth in RSA 482-A:1, and the project meets the criteria set forth in Rule Env-Wt 703.01 Criteria for Approval.

And makes the following additional findings:

14. The applicant has provided a letter of agreement from the Meredith Conservation Commission with the proposed changes to the project.
15. The proposal includes a buffer area around the existing catch basin.
16. The proposal limits the turf management program to protect water quality.
17. The existing basin currently exists and no stormwater will be directed to the basin.
18. The applicant requested a waiver to Env-Wt 704.01 at the public hearing held for this amendment.
18. There were only positive comments from the municipal conservation commission, planning board, municipal executive body, applicant and other interested parties who entered written testimony or attended the public hearing.
19. The existing permit is 2 years old and the town has a contractor lined up for the project. They were lined up prior to the error in the plan having been located.
20. It would be an economic hardship if the town were not able to go to work in this construction season.
21. There will be no adverse effect to the environment or natural resources of the state, public health, or public safety; or on abutting properties that is more significant than that which would result from complying with the Env-Wt 704.01.
22. The waiver is granted in accordance with Env-Wt 204.04(b), as strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant.

2007-02947 JOHNSON REVOC TRUST, DONNA
GILFORD Lake Winnepesaukee

Requested Action:

Amend permit to allow a second permanent boatlift.

Inspection Date: 03/25/2008 by Chris T Brison

APPROVE AMENDMENT:

Amend permit to read: Straighten an existing 42 linear ft breakwater with a 6 ft gap at the shoreline, a 6 ft x 30 ft cantilevered pier and a 6 ft x 30 ft piling pier connected by a 6 ft x 30 ft 9 in walkway in a "U" configuration, drive 1 fender piling, replace 2 tie off pilings, install two permanent boatlifts and a 33 ft x 30 ft seasonal canopy, and 2 personal watercraft lifts on 135 ft of frontage on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by R C Brown as revised on October 31, 2008, and received by DES on November 4, 2008 with the exception that the clear spacing between the cantilevered pier and the piling pier shall not exceed 12 ft.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of

the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.

3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
4. This permit to replace existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures depicted as "existing" were not previously permitted or grandfathered.
5. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
7. Only rocks from the existing breakwater shall be used for the reconfiguration. No additional rocks shall be brought on site.
8. Canopies shall be of seasonal construction type with a flexible fabric cover and shall be removed for the non-boating season.
9. These shall be the only structures on this water frontage and all portions of the docking structures shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
10. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
11. All seasonal structures shall be removed for the non-boating season.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a major project per Rule Env-Wt 303.02(j), modification of a breakwater.
2. The construction of a breakwater to provide safe docking at this site is justified in accordance with Rule Env-Wt 402.06, Breakwaters.
3. The applicant has an average of 135 feet of shoreline frontage along Lake Winnepesaukee.
4. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.12 Frontage Over 75'.
5. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, and therefore meets Rule Env-Wt 402.12.
6. Public hearing is waived based on field inspection, by NH DES staff, on March 25, 2008, with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.
7. Field inspection on March 25, 2008 found no obvious evidence of sand migration along this shoreline.

-Send to Governor and Executive Council-

2008-00461 LOCKE, ARTHUR
HOOKSETT Pinnacle Pond

Requested Action:

Retain 4200 square feet of impact of prime wetland buffer for a new well house, located 45 feet from the reference line, and access road to maintain the proposed well.

APPROVE AFTER THE FACT:

Retain 4200 square feet of impact of prime wetland buffer for a new well house, located 45 feet from the reference line, and access road to maintain the proposed well.

With Conditions:

1. All work shall be in accordance with plans by Stantec Consulting Services Inc., dated June 2008, as received by the Department on July 1, 2008.
2. This permit is contingent on approval by the DES Groundwater Program.
3. This permit is contingent upon continued compliance with the proposed restoration plan.
4. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B.
5. This approval is contingent upon an approval by the Alteration of Terrain Program.
6. Any future work that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

7. This permit is contingent upon review and coordination with the DES Watershed Management Bureau's Water Quality Planning Section.
8. The 100 foot buffer around the designated prime wetlands shall be left in its natural state, wherever impacts have not been permitted.
9. There shall be no dredging, removal, or disturbance of any existing vegetative undergrowth within the 100 foot prime wetland buffer unless specifically permitted. The placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
10. Any additional human activities within the 100 foot Prime Wetland Buffer without a wetlands permit may be considered in violation of RSA 482-A and may be subject to enforcement action by the Department of Environmental Services, including, but not limited to, the issuance of fines, administrative orders, or referral to the Department of Justice for the imposition of appropriate penalties.
11. A report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau after the first growing season.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(f), projects located in or adjacent to designated prime wetlands under RSA 482-A:15.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that his/her project, as approved and conditioned, is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. The engineering plans accurately locate the boundary of the wetlands, surface waters and prime wetlands.
6. The applicant has received a large groundwater withdrawal permit from NH DES.
7. The applicant has restored the uplands by providing plantings in accordance with the proposed restoration plan.
8. The well house located 45 feet from the reference line is accessory to the larger pump house located near Ardon Drive and therefore only needs to meet the 25 foot setback.
9. A prime wetlands hearing was conducted on October 2, 2008.
10. Based on the findings above, there is clear and convincing evidence this proposal will have no significant loss of values to the prime wetlands as set forth in RSA 482-A:1, and the project meets the criteria set forth in Rule Env-Wt 703.01 Criteria for Approval.

Any party may apply for reconsideration with respect to any matter determined in this action within 30 days from the date of this notification. A motion for reconsideration must specify all grounds upon which future appeals may be based, and should include information not available to the Department when the decision was made. The Department may grant reconsideration if, in its opinion, good reason is provided in the motion.

MINOR IMPACT PROJECT

2007-02545 MILTON, TOWN OF
MILTON Unnamed Wetland

Requested Action:

Construct a new fire station impacting 1960 sq. ft. of wetlands for lot development.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Construct a new fire station impacting 1960 sq. ft. of wetlands for lot development.

With Findings:

1. A request for additional information dated January 25, 2008, addressed to the applicant or agent of record, clearly identified

changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.

2. The deadline for response to the request for more information was time-extended to 9/23/2008, by agreement of the parties, per time extension document dated 5/23/2008.
3. Pursuant to RSA 482-A:3, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
4. DES did not receive the requested additional information within the 120 days, nor within the additional 120 days granted by the time extension granted on 5/23/2008, and therefore the application has been denied.

2008-01254 B & L BUILDERS INC DBA MOSS CREEK BLDRS
MADBURY Unnamed Wetland

Requested Action:

Approve name change to: B & L Builders Inc., dba/Moss Creek Builders 42-J Dover Point Rd., Dover NH 03820 per request received 11/3/08. Previous owner: Vaughn and Sharon Jones.

APPROVE NAME CHANGE:

Dredge and fill 7,270 sq. ft. of wetlands and install a 15" x 30 culvert for construction of a common driveway to two lots of a 4-lot subdivision on 13.79 acres in Madbury.

With Conditions:

1. All work shall be in accordance with revised plans by Beals Associates LLC dated 7/24/2008, as received by the Department on 9/16/2008.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. This permit shall not be effective until it has been recorded with the Strafford County Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #5 of this approval.
7. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
10. Silt fencing must be removed once the area is stabilized.
11. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
13. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
14. Proper headwalls shall be constructed within seven days of culvert installation.
15. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
16. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
15. Work shall be done during low flow.

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Env-Wt 502.02.

2008-01463 LEMPSTER, TOWN OF
LEMPSTER Ways Brook

Requested Action:

Dredge and fill approximately 100 square feet of Ways Brook at Grandview Road to widen road and replace a deteriorated 6-foot x 24-foot CMP culvert with a 6-foot x 40-foot RCP culvert.

APPROVE PERMIT:

Dredge and fill approximately 100 square feet of Ways Brook at Grandview Road to widen road and replace a deteriorated 6-foot x 24-foot CMP culvert with a 6-foot x 40-foot RCP culvert.

With Conditions:

1. All work shall be in accordance with plans by Daniels Construction dated June 18, 2008, as received by the Department on August 01, 2008.
2. Work shall be done during annual low flow conditions.
3. This permit is contingent on submittal, to the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. There shall be no excavation or operation of construction equipment in flowing water.
8. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse. In-stream work shall not exceed five consecutive days in total unless specifically authorized in writing by the DES Wetlands Bureau.
9. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
11. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
12. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
13. Temporary cofferdams shall be entirely removed immediately following construction.
14. Culverts shall be laid at original grade.
15. Proper headwalls shall be constructed within seven days of culvert installation.
16. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
17. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to construction.
18. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
19. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
20. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface

waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

21. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.

22. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l), Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. The applicant has completed a hydrologic and hydraulic investigation to confirm the proposed culvert will pass the flow of a 50 year storm.
3. The applicant has provided signed construction easements for temporary impacts proposed on abutting properties.
4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

MINIMUM IMPACT PROJECT

2004-01996 GREEN OAK REALTY DEVELOPMENT LLC
AUBURN Unnamed Wetland

Requested Action:

Approve name change to: Green Oak Realty Development LLC, 20 Commercial St., Auburn NH 03032 per request received 11/10/08. Previous owner is Ross D. Sargent, PO Box 222, Pelham NH 03076.

Conservation Commission/Staff Comments:

Conservation Commission requested that restoration of a previous violation area on the property be restored before permit was granted. This has been done.

APPROVE NAME CHANGE:

Dredge and fill a total of 2,941 square feet of fill in wetlands, including 1,608 square feet of roadside edge fill, and 1,333 square feet of impact to install two 23' x 24" culverts for a 5-lot subdivision on 24.97 acres.

With Conditions:

1. All work shall be in accordance with plans by Edward N. Herbert Associates, Inc. dated August 2003 and revised 9/1/04, as received by the Department on 6/22/2005.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
3. This permit is contingent on approval by the DES Site Specific Program.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

9. Work shall be done during low flow.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Culvert outlets shall be properly rip rapped.

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Env-Wt 502.02.
2. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of swamps or wet meadows.
3. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
6. The applicant's previous violation impacting 70 square feet was located in a separate area of the project property from that being permitted, and has been restored as requested by the Conservation Commission and directed by DES prior to the issuance of this permit.

2005-02122 NH DEPT OF TRANSPORTATION
NEW LONDON Unnamed Wetland

Requested Action:

Provide safety improvements including pavement, shoulders, guardrail and drainage impacting 1,932 sq. ft. of palustrine wetlands.

Conservation Commission/Staff Comments:

Cons. Comm. - no comment

APPROVE PERMIT:

Provide safety improvements including pavement, shoulders, guardrail and drainage impacting 1,932 sq. ft. of palustrine wetlands.
(NHDOT #14451)

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Highway Design as follows:
 - a. Area "A" northerly of STA 139+50 on the plan dated 8/25/05 as received by the Department on Sept. 12, 2005 and
 - b. Area "B" southeasterly of STA 275+60 on the plan dated 09/12/08 as received by the Department on Sept. 17, 2008.
2. There shall be no impacts to surface waters as noted in the NHDOT memo dated 9/15/08.
3. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
4. Construction equipment shall not be located within surface waters.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
7. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
9. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control

Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

11. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.

12. There shall be no further alteration to wetlands or surface waters without amendment of this permit.

13. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.

14. The impacts associated with the temporary work shall be restored immediately following construction.

15. Invasive species removal shall follow the appropriate procedures noted in the NHDOT manual Best Management Practices for Roadside Invasive Plants (2008).

16. The Stormwater Pollution Prevention Plan shall include sufficient information and design within the drainage areas upslope of the state endangered species to prevent degradation of those waters.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 sq. ft. in swamps or wet meadows.

2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b), Requirements for Application Evaluation, has been considered in the design of the project.

5. The applicant has reduced the impact areas by eliminating areas "C and D" located easterly of Laurel Lane.

6. There will be no impacts to surface waters and therefore no impacts to the noted state endangered species.

2007-02988

NEWMARKET, TOWN OF

NEWMARKET Lamprey River

Requested Action:

Impact a total of 750 sq. ft. of accumulated sediments away from two existing municipal wastewater treatment outfall diffusers in the tidal Lamprey River.

APPROVE PERMIT:

Impact a total of 750 sq. ft. of accumulated sediments away from two existing municipal wastewater treatment outfall diffusers in the tidal Lamprey River.

With Conditions:

1. All work shall be in accordance with revised plans by Underwood Engineers Inc. dated 9/10/08, as received by DES on 10/6/2008.

2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

3. Dredging shall be done by hydraulic suction dredging only, pursuant to the direction of NH Fish and Game Department.

4. Dredging shall be limited to the period of November 15 to March 15 to avoid impacts to fisheries

5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o), projects deemed minimum by degree of environmental impact.

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. Sediments have accumulated at the outlets of the municipal wastewater discharge outfall diffuser ports that are inhibiting the proper discharge and functioning of the wastewater treatment system in maintaining effluent dilution requirements, increasing the pollution potential of the outfall.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The proposal will use the least impacting means of dredge to clear obstructed ports only; and will be conducted during the dredge window required pursuant to Env-Wt 304.11(b).
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project, as follows:
 - a. The applicant has field located the plant species of concern reported in the project vicinity by the NHB, and the NHB stated in an email dated 8/4/2008 that the NHB could work with the applicant to continue the project and minimize potential impacts to any nearby plants.
 - b. The applicant has addressed fisheries concerns to the satisfaction of NH Fish & Game Marine Fisheries Division by changing its means of dredge to use hydraulic suction dredge, as well as timing the project to occur within the dredge window as described above. NHFG Non-game and Endangered Wildlife has stated via email dated 4/14/2008 that impacts to rainbow smelt, Blandings turtles and saltmarsh sharp-tailed sparrows, species of conservation concern, are not expected to be impacted by this project.
5. The Newmarket Conservation Commission did not report on the project.
6. The National Marine Fisheries Service did not comment on this project.

2008-00589 NATASHA REALTY TRUST, BOND FLETCHER
LACONIA Lake Winnisquam

Requested Action:

Remove an existing 3 ft 8 in x 30 ft seasonal pier and replace it with a 6 ft x 40 ft seasonal pier on the adjacent property having an average of 81 ft of frontage on Lake Winnisquam.

DENY PERMIT:

Remove an existing 3 ft 8 in x 30 ft seasonal pier and replace it with a 6 ft x 40 ft seasonal pier on the adjacent property having an average of 81 ft of frontage on Lake Winnisquam.

With Findings:

Standards for Approval

1. Pursuant to RSA 482-A:3, XIII, a, all boat docking facilities shall be at least 20 feet from an abutting property line.
2. Rule Env-Wt 402.04, Setbacks, requires that all docks be located at least 20 ft from property lines and the extension of those property lines over the water.
3. In accordance with RSA 482-A:11, Administrative Provisions, II, no permit shall be granted if it shall infringe on the property rights or unreasonably affect the value or the enjoyment of property of abutting owners.

Findings of Fact

1. On April 16, 2008, the DES Wetlands Bureau received an application requesting the removal of a seasonal pier from the lot of an abutter and placement of a new seasonal pier on the applicant's lot identified as Laconia tax map 21, lot 12, block 253.
2. No evidence was submitted with the application to support that the pier on the abutting property belongs to the applicant.
3. The proposed pier would be located within the 20 ft setback to the extension of the property line over the water.
4. On June 20, 2008, the Wetlands Bureau issued a Request for More Information letter to the Applicant stating that the Bureau had not received a waiver of the setback to property lines as required per RSA 482-A:3, XIII and Rule Env-Wt 402.04.
5. On October 17, 2008, the Bureau received a response from the Applicant stating that, while the Abutter had given verbal consent, they would not put that consent in writing.

Rulings in Support of the Decision

1. The Applicant has failed to submit the signed notarized waiver of the 20 ft setback as required by RSA 482-A:3, XIII and Rule

Env-Wt 402.04.

2. The Bureau cannot confirm the ownership of the pier nor can it assess the impact of the relocation of the pier on the abutting owner, therefore, pursuant to RSA 482-A:11 the Bureau shall not grant this permit.

2008-01758 PORTSMOUTH, CITY OF
PORTSMOUTH Unnamed Wetland

Requested Action:

Fill 921 sq. ft. of wetland for access improvement around municipal wastewater pump station and to protect building from flooding, as part of pump station rehabilitation.

APPROVE PERMIT:

Fill 921 sq. ft. of wetland for access improvement around municipal wastewater pump station and to protect building from flooding, as part of pump station rehabilitation.

With Conditions:

1. All work shall be in accordance with plans by CMA Engineers dated August 2008, as received by DES on 8/28/2008.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. There shall be no removal of Atlantic White Cedar trees outside the actual fill area.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), projects involving alteration of less than 3,000 sq. ft. of swamps or wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The existing municipal wastewater pump station building located on Rt. 1 is being rehabilitated and expanded (in the upland). There is currently no access around the building, and on extreme storm events wetland floodwaters threaten the building. The fill will provide necessary access and create a buffer to flood events.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The fill extends out only ten feet from the building into the wetland, and is the minimum necessary to provide access.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. The applicant has coordinated with both the NH Heritage Bureau ("NHB") and NH Fish and Game Department ("NHFG") relative to the plant and animal species of concern, as well as the natural communities of concern, including an Atlantic White Cedar swamp, located in the vicinity of the project, as follows:
 - a. Per memo dated 6/30/2008, the NHB reported that the applicant had coordinated with the agency and concerns regarding the Atlantic White Cedar Swamp ("AWCS"), AWCS/yellow birch/pepperbush swamp, had been addressed, and that the Green Adder's Mouth was located 2,100 feet upgradient of the project. The permit has been conditioned to prevent removal of any Atlantic White Cedar trees, as requested by the NHB.
 - b. Per email dated 4/24/2008, the NHFG reported that the Blandings and spotted turtles reported were determined to be located approximately 4,200 feet away from the project location, and thus not expected to be impacted.
5. The Portsmouth Conservation Commission did not comment.

FORESTRY NOTIFICATION

2008-02408 PUSTIZZI, JOSEPH
BOSCAWEN Unnamed Stream

COMPLETE NOTIFICATION:

Boscawen Tax Map 45, Lot# 47 & 47A

2008-02431 JOY, ARTHUR & ANN
BATH Unnamed Stream

COMPLETE NOTIFICATION:

Bath Tax Map 12, Lot# 27

EXPEDITED MINIMUM

2008-00964 KRAUSS, ELIZABETH
WOLFEBORO Lake Wentworth

Requested Action:

Untimely denial to construct a 300 sq ft perched beach on Lake Wentworth.

Conservation Commission/Staff Comments:

Con Com did not sign the Exp Application

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Applicant request to construct a perched beach.

With Findings:

1. A request for additional information dated July 08, 2008, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A:3, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

2008-01040 282 MIDDLE STREET LLC
NEWMARKET Unnamed Wetland

Requested Action:

Impact 226 sq. ft. of wetlands to construct a gravel driveway extension.

WITHDRAW APPLICATION:

Impact 226 sq. ft. of wetlands to construct a gravel driveway extension.

With Findings:

1. Applicant requested to withdraw application per letter from NHSC Inc. dated 10/21/2008, as received by DES on 10/26/2008.

**2008-02034 TOMB REVOC LIVING TRUST DATED JUNE 4 1999, KAREN
MOULTONBOROUGH Unnamed Wetland**

Requested Action:

Dredge and fill a total of 6 square feet for the installation of a 15-inch x 16-foot culvert within an existing driveway to reconnect hydrology between two wetlands that were previously connected.

APPROVE PERMIT:

Dredge and fill a total of 6 square feet for the installation of a 15-inch x 16-foot culvert within an existing driveway to reconnect hydrology between two wetlands that were previously connected.

With Conditions:

1. All work shall be in accordance with plans by Yerkes Surveying and Consulting as revised by the property owner, as received by the Department on September 25, 2008.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Any construction initiated after April 1, 2008, shall be compliant with the Comprehensive Shoreland Protection Act, RSA 483-B:5-a as effective at the time construction is initiated and may require an additional permit from the Department.
4. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B.
5. No stumps shall be removed within 50 feet of the reference line per RSA 483-B (see attached fact sheet).
6. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
7. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
8. Work shall be conducted during low water conditions.
9. Work authorized shall not occur in fish spawning or nursery areas during the reproductive season, or within waterfowl nursery areas during the critical nesting period.
10. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
11. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
12. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
13. No equipment shall enter the water.
14. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
15. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
16. Proper headwalls shall be constructed within seven days of culvert installation.
17. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
18. Silt fencing must be removed once the area is stabilized.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f) Projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided

evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2008-02148

NEW LONDON, TOWN OF

NEW LONDON

Requested Action:

Replace Pleasant Lake Dam gate and stop logs.

APPROVE PERMIT:

Replace Pleasant Lake Dam gate and stop logs.

With Conditions:

1. All work shall be in accordance with plans by received by the Department on October 16, 2008.
2. All work shall be done in the dry and under draw down conditions.
3. This permit is contingent upon coordination with the NHFG Fisheries Division regarding drawdown duration and timing.
4. Appropriate erosion, siltation and turbidity controls shall be installed prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Machinery shall not be located within surface waters.
6. Machinery shall be staged and refueled in upland areas.
7. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
9. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
10. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
11. Temporary cofferdams shall be entirely removed immediately following construction.
12. Work shall not cause violations (sedimentation and turbidity) of surface water quality standards.
13. Within three calendar days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x), Maintenance, repair, or replacement of a nondocking structure such as a dam.
2. The dam will be used to access repairs. No temporary impacts for work space or access or permanent impacts for the repairs are proposed.
3. In email correspondence dated November 07, 2008 the DES Dam Bureau confirmed their approval is not required for the proposed repairs.
4. In email correspondence dated November 14, 2008, the NHFG indicated concern regarding the duration and timing of drawdown.
5. This permit is contingent upon coordination with the NHFG Fisheries Division regarding drawdown duration and timing.
6. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
7. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
8. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

ROADWAY MAINTENANCE NOTIF

2008-02435 **NH DEPT OF TRANSPORTATION**
BOW **Unnamed Stream**

COMPLETE NOTIFICATION:

Replace 15" CMP culvert in kind and perform roadside ditch maintenance

PERMIT BY NOTIFICATION

2008-02070 **LOCKE LAKE COLONY ASSOCIATION**
CENTER BARNSTEAD **Locke Lake**

Requested Action:

Create temporary erosion control stone landing in the bank, to be removed upon completion of work, and slip-line existing culvert.

Conservation Commission/Staff Comments:

Conservation Commission signed application.

PBN IS COMPLETE:

Create temporary erosion control stone landing in the bank, to be removed upon completion of work, and slip-line existing culvert.

2008-02111 **BEAUTY HILL LLC, CHARLES CANTRELL**
BARNSTEAD **Lower Keef Pond Dam**

Requested Action:

Add large boulders and backfill to reinforce and repair an existing dam.

PBN DISQUALIFIED:

Add large boulders and backfill to reinforce and repair an existing dam.

With Findings:

1. No response to the Department's Request For More Information letter dated 10/9/2008 was received within the 20 day response period specified in the letter, therefore the application is disqualified.

2008-02397 **KNOWLTON, ROBERT & GAIL**
MIDDLETON **Sunrise Lake**

Requested Action:

Applicant requests to replace an existing wall and replenish an existing beach.

PBN DISQUALIFIED:

Applicant requests to replace an existing wall and replenish an existing beach.

2008-02411 WILSON, DONALD
RINDGE Lake Monomonac

Requested Action:

Applicant requests to construct 97 linear feet of retaining wall.

Conservation Commission/Staff Comments:

Con Com did not sign PBN form

Town Clerk signed PBN on Nov 05, 2008.

PBN DISQUALIFIED:

Applicant requests to construct 97 linear feet of retaining wall.

CSPA PERMIT

2008-01827 HAIGHT, BARRY
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Impact 88 sq ft to expand an existing elevated deck extending from an existing condominium.

APPROVE PERMIT:

Impact 88 sq ft to expand an existing elevated deck extending from an existing condominium.

With Conditions:

1. All work shall be in accordance with plans by David Dolan Associates dated August 14, 2008 and received by the Department of Environmental Services ("DES") on September 4, 2008.
2. No more than 19.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will impact no existing unaltered areas within the Natural Woodland Buffer beyond the primary building setback.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2008-01883 BARNICK, MICHAEL
LEMPSTER Long Pond

Requested Action:

Impact 1,492 sq ft to construct a seasonal single family dwelling.

APPROVE PERMIT:

Impact 1,492 sq ft to construct a seasonal single family dwelling.

With Conditions:

1. The proposed primary structure shall be built in accordance with plans by Regan Swallow Design, LTD. dated April 2005 and received by the Department of Environmental Services ("DES") on September 9, 2008. All other work shall be accordance with plans by Meridian Land Services, Inc. dated August 16, 2008 and recieved by DES on September 9, 2008.
2. No more than 5.53% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 8,928 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,400 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. The proposed primary structure shall encroach no more than 12 ft towards the reference line than the existing primary structure.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2008-01920 GLAUNER, FRANCIS/BABETTE
ALTON Lake Winnepesaukee

Requested Action:

Impact 3,067 sq ft to construct an addition and breezeway to existing single family dwelling and install a proposed septic system.

APPROVE PERMIT:

Impact 3,067 sq ft to construct an addition and breezeway to existing single family dwelling and install a proposed septic system.

With Conditions:

1. All work shall be in accordance with building plans by K A Clason dated August 31, 2008 and received by the Department of Environmental Services ("DES") on September 15, 2008 and stormwater control and planting plans by K.A Clason dated November 1, 2008 and received by DES on November 14, 2008.
2. No more than 10.46% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 7,900 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,500 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. Temporary access of construction equipment within the 50 ft waterfront buffer shall be limited to a path no more than 12 ft wide which shall be completely restored and replanted with native vegetation upon completion of construction.

6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2008-01989 BERRY, MICHAEL
HILLSBOROUGH Gould Pond

Requested Action:

Impact 2,950 sq ft to replace a dwelling with no change in footprint, regrade the driveway, landscape.

APPROVE PERMIT:

Impact 2,950 sq ft to replace a dwelling with no change in footprint, regrade the driveway, landscape.

With Conditions:

1. All work shall be in accordance with plans by Michael and Maureen Berry dated September 12, 2008 and received by the Department of Environmental Services ("DES") on September 17, 2008.
2. No more than 15% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will impact no existing unaltered areas within the Natural Woodland Buffer beyond the primary building setback in an unaltered state.
4. The project as proposed shall result in no increase in impervious surface upon completion.
5. Within each 50 ft waterfront segment, a minimum combined tree and sapling score of at least 50 points shall be maintained in order to be in compliance with RSA 483:B-9V(a). If for any reason there is insufficient area for a full segment, the number of points required to be maintained in that partial segment shall be proportional to that required of a full segment.
6. This permit is contingent on approval by the DES Subsurface Systems Bureau.
7. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
8. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
9. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. There are no unaltered areas remaining between 50 and 150 ft from the reference line.

2008-02057 BINZEL, MAUREEN
SUNAPEE Perkins Pond

Requested Action:

Impact 150 sq ft to construct a deck lakeward of an existing non-conforming primary structure.

APPROVE PERMIT:

Impact 150 sq ft to construct a deck lakeward of an existing non-conforming primary structure.

With Conditions:

1. All work shall be in accordance with plans received by the Department of Environmental Services ("DES") on November 4, 2008.
2. No more than 14.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will not reduce the area of unaltered space currently existing on the property.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. RSA 483-B:11 specifically allows the construction of a deck not to extend more than 12 feet lakeward from the existing structure.

2008-02060 GURNEY, GEORGE
CENTER HARBOR Squam Lake

Requested Action:

Impact 9,478 sq ft to construct a single family dwelling, septic system, well, and driveway.

APPROVE PERMIT:

Impact 9,478 sq ft to construct a single family dwelling, septic system, well, and driveway.

With Conditions:

1. All work shall be in accordance with plans by Mountain Mapping dated August 29, 2008 and received by the Department of Environmental Services ("DES") on September 26, 2008.
2. No more than 17.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave at least 2,400 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,360.75 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. No more than 9,478 sq ft within the protected shoreland shall be impacted as a result of this project.
5. This permit is contingent on approval by the DES Subsurface Systems Bureau.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.
11. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas to remain unaltered.

2008-02203 ALLEN, MONICA
CANAAN Goose Pond

Requested Action:

Impact 156 sq ft to construct deck with rail system and stairs to be attached to an existing single family dwelling.

APPROVE PERMIT:

Impact 156 sq ft to construct deck with rail system and stairs to be attached to an existing single family dwelling.

With Conditions:

1. All work shall be in accordance with plans by Monica Widoff Allen dated October 8, 2008 and received by the Department of Environmental Services ("DES") on October 14, 2008.
2. No more than 9.76% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will impact no existing unaltered areas within the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,375 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. The project as proposed shall have no negative impacts on species identified as threatened or endangered by the NH Natural Heritage Bureau.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2008-02230 CAMP YAVNEH, HEBREW TEACHERS COLLEGE
NORTHWOOD Lucas Pond

Requested Action:

Impact 6,400 sq ft to regrade existing beach, remove excess fill, and construct a retaining wall and stairway with appropriate drainage swales.

APPROVE PERMIT:

Impact 6,400 sq ft to regrade existing beach, remove excess fill, and construct a retaining wall and stairway with appropriate drainage swales.

With Conditions:

1. All work shall be in accordance with plans by MSC Civil Engineers & Land Surveyors, Inc. dated October 3, 2008 and received by the Department of Environmental Services ("DES") on October 14, 2008.
2. No more than 6.54% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 151,472 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 146,730 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).

4. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
5. This permit does not allow for annual beach replenishment.
6. There shall be no disturbance to natural ground cover within the 50 ft waterfront buffer.
7. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
8. Erosion, siltation and turbidity control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
9. Erosion, siltation and turbidity controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2008-02232 TONDEL, LAWRENCE
CENTER BARNSTEAD Upper Suncook Lake

Requested Action:

Impact 4,467 sq ft to remove an existing 875 sq ft non-conforming cottage, restore 1,200 sq ft of driveway and construct a conforming 1,572 sq ft single family dwelling with a deck and new turn-around.

APPROVE PERMIT:

Impact 4,467 sq ft to remove an existing 875 sq ft non-conforming cottage, restore 1,200 sq ft of driveway and construct a conforming 1,572 sq ft single family dwelling with a deck and new turn-around.

With Conditions:

1. All work shall be in accordance with plans as received by the Department of Environmental Services ("DES") on October 15, 2008.
2. This permit shall not be effective unless the lots identified as Barnstead tax map 34, lots 27 and 27-1 are merged.
3. No more than 10.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. At least 9,629 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

2008-02233 RISLOVE, ROGER
WARNER Warner River

Requested Action:

Impact 9,750 sq ft to construct a single family dwelling, improve driveway access, install a septic system, and landscape.

APPROVE PERMIT:

Impact 9,750 sq ft to construct a single family dwelling, improve driveway access, install a septic system, and landscape.

With Conditions:

1. All work shall be in accordance with plans by Lamarine Technical Land Services, Inc., dated October 14, 2008, and received by the Department of Environmental Services ("DES") on October 15, 2008.
2. No more than 4.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 104,010 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 57,360 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Planting invasive or exotic species is strictly prohibited.

2008-02235 BARNES, JERRY
ELKINS Pleasant Lake

Requested Action:

Impact 830 sq ft to add a deck and walkway to an existing single family dwelling.

APPROVE PERMIT:

Impact 830 sq ft to add a deck and walkway to an existing single family dwelling.

With Conditions:

1. All work shall be in accordance with plans by R Wendell Phillips and Associates, Inc. dated September 24, 2008 and received by the Department of Environmental Services ("DES") on October 16, 2008.
2. No more than 4.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project will not reduce the area of the natural woodland buffer that is in an unaltered state.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. This project shall not adversely impact Common Loons utilizing Pleasant Lake.

2008-02236 DOUBLE D HOLDINGS LLC
MERRIMACK Souhegan River

Requested Action:

Impact 29,254 sq ft to construct parking, access, and regrade for stormwater management associated with the construction of a residential development located primarily outside the 250 ft protected shorelands.

APPROVE PERMIT:

Impact 29,254 sq ft to construct parking, access, and regrade for stormwater management associated with the construction of a residential development located primarily outside the 250 ft protected shorelands.

With Conditions:

1. All work shall be in accordance with plans by Cuoco & Cormier Engineering Associates, Inc. as revised September 10, 2008 and received by the Department of Environmental Services ("DES") on October 16, 2008.
2. No more than 10.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 46,505 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 25,234 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit is contingent on approval by the DES Alteration of Terrain Bureau.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. The project as proposed leaves approximately 160 ft wide buffer along the Merrimack River to avoid potential impacts to Bald Eagle and Eastern Hog-nosed Snake habitats.

2008-02253 KLUK, JEAN
WASHINGTON Island Pond

Requested Action:

Impact 758 sq ft to construct a garage and entryway to be attached to an existing single family dwelling.

APPROVE PERMIT:

Impact 758 sq ft to construct a garage and entryway to be attached to an existing single family dwelling.

With Conditions:

1. All work shall be in accordance with plans modified by J. Kluk dated October 10, 2008 and received by the Department of

Environmental Services ("DES") on October 17, 2008.

2. No more than 11% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will not alter any previously unaltered areas within the natural woodland buffer.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2008-02255 KENNEFICK, PETER
MADISON Davis Pond

Requested Action:

impact 2,300 sq ft to construct a foundation under an existing single family dwelling and add 60 sq ft to the structure's footprint.

APPROVE PERMIT:

impact 2,300 sq ft to construct a foundation under an existing single family dwelling and add 60 sq ft to the structure's footprint.

With Conditions:

1. All work shall be in accordance with plans by P. Kennefick dated October 14, 2008 and received by the Department of Environmental Services ("DES") on October 17, 2008.
2. No more than 12.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. At least 1806.3 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

2008-02260 BROMAN, ERICA
NEWBURY Lake Sunapee

Requested Action:

Impact 7,479 sq ft to upgrade an existing shared driveway and improve stormwater drainage.

APPROVE PERMIT:

Impact 7,479 sq ft to upgrade an existing shared driveway and improve stormwater drainage.

With Conditions:

1. All work shall be in accordance with plans by CLD Consulting Engineers dated October 2008 and received by the Department of Environmental Services ("DES") on October 17, 2008.
2. No more than 5.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 10,106 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,602 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. All planted vegetation shall be native and consistent with surrounding natural vegetation on the property and surrounding properties. Planting invasive or exotic species is strictly prohibited.